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EXTRAORDINARY

PART II—Section 3—Sub-section (i)

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MINISTRY OF FOOD AND AGRICULTURE

(Department of Food)

ORDER

New Delhi, the 1st December 1964

G.S.R. 1738.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:—

1. **Short title, extent and commencement.**—(1) This Order may be called the Orissa Rice Procurement (Levy) Order, 1964.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force at once.

2. **Definitions.**—In this Order, unless the context otherwise requires,—

(a) “controlled price” in relation to any variety and grade of rice, means the maximum price fixed for that variety and grade in an Order made under section 3 of the Essential Commodities Act, 1955 (10 of 1955) and for the time being in force;

(b) “Enforcement Officer” means an officer of the Government of India not below the rank of Quality Inspector and includes the Purchase Officer and any Police Officer not below the rank of Head Constable and any other officer of the State Government appointed as such by the Central Government in this behalf;

(c) “Purchase Officer” means the Joint Director (Food), Government of India, Orissa and includes the Deputy Director (Food) or any other officer appointed by the Central Government to exercise the powers of the Purchase Officer under this Order;

(d) “licensed dealer” means a person holding a valid licence under an Order issued by the State Government under the Essential Commodities Act, 1955 (10 of 1955) for the licensing of foodgrain dealers and for the time being in force;

(e) “licensed miller” means the owner or other person incharge of a rice mill holding a valid licence under the Rice Milling Industry (Regulation) Act, 1958 (21 of 1958);

- (f) "rice" means any variety of rice produced or manufactured in a rice mill worked by power;
- (g) "rice mill" means the plant and machinery with which, and the premises including precincts thereof in which, or in any part of which, rice milling operation is carried on;
- (h) "State Government" means the Government of the State of Orissa.

3. Levy on rice.—(1) Every licensed miller shall sell to the Purchase Officer at the controlled price,—

- (a) at the commencement of this Order, 50 per cent of the quantity of rice held in stock by him at such commencement; and
- (b) beginning with such commencement and until such time as the Purchase Officer otherwise directs, 50 per cent of the total quantity of rice produced or manufactured by him in his rice mill every day.

(2) Every licensed dealer shall sell to the Purchase Officer at the controlled price,—

- (a) at the commencement of this Order, 50 per cent of the quantity of rice held in stock by him at such commencement; and
- (b) beginning with such commencement and until such time as the Purchase Officer otherwise directs,—
 - (i) 50 per cent of the total quantity of rice got milled by him every day out of his stock of paddy; and
 - (ii) 50 per cent of the total quantity of rice purchased or otherwise acquired by him for the purpose of sale from persons other than licensed millers or licensed dealers.

(3) Every licensed dealer and every licensed miller who comes into possession of any stock of paddy or rice, not being his own, shall—

- (a) furnish full particulars of the owner or other person from whom he got possession of such stock to the Purchase Officer or such other person as may be authorised by the Purchase Officer in this behalf;
- (b) prove, when so required, to the satisfaction of the Purchase Officer or such other person as may be authorised by the Purchase Officer in this behalf that he has no power of disposal by sale or otherwise over such stock;
- (c) continue to keep such stock in his custody and not part with its possession in any manner whatsoever, until a direction is received by him from the Purchase Officer regarding the manner of disposal of such stock.

(4) The rice required to be sold to the Purchase Officer under sub-clause (1) or sub-clause (2) shall be delivered by the licensed miller or the licensed dealer to the Purchase Officer or to such other person as may be authorised in this behalf by the Purchase Officer.

4. Determination of the price.—(1) The Purchase Officer shall, as far as possible in the presence of the miller or the dealer or his agent, cause to be taken and sealed three representative samples of the rice delivered under clause 3, hand over one sample to the miller or dealer or his agent and send the other two samples to a laboratory established by the Central Government for the purpose; and one of the two samples shall be analysed in the laboratory and the other retained therein.

(2) The price payable for the stock of rice shall be determined on the basis of the result of the analysis which shall be communicated to the miller or the dealer, as the case may be.

(3) If, within a week of the receipt by him of the result of the analysis, the miller or the dealer, as the case may be, disputes the correctness of the result, the Purchase Officer shall arrange to get the other sample retained in the laboratory analysed, after previous intimation to the miller or the dealer about the date and time fixed for such analysis; the miller or the dealer may, if he so desires, depute his representative to be present at the analysis.

(4) The result of the second analysis referred to in sub-clause (3) shall be binding on both the parties and the price payable for the stock of rice shall be finally determined on the basis of that result.

5. Powers of entry, search, seizure, etc.—(1) Any Enforcement Officer may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with,—

- (i) enter, with such assistance as may be necessary, any rice mill or other premises where he has reason to believe that rice is produced or stocked;
- (ii) ask of any person all necessary questions;
- (iii) examine any books or documents or call for the submission of such returns relating to the stocks of rice held by a licensed miller or a licensed dealer, as are considered necessary by him for the purpose of assessing levy under this Order;
- (iv) search, and so far as may be necessary for that purpose, detain any person or seize rice found in such person's possession in respect of which he has reason to believe that a contravention of any of the provisions of this Order has been, is being or about to be committed and thereafter take or authorise the taking of all measures necessary for the production of stocks so seized, in a court and for their safe custody, pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

[No. 206(ORS)(1)/763/64-PX.II.]

KRISHAN CHAND, Addl. Secy.

